

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

For provisions regarding the Family and Medical Leave Act (FMLA), see DECA(LEGAL) and DECA(LOCAL). For Military Leave, see DECB(LEGAL) and DECB(LOCAL).

DEFINITIONS

Unless otherwise noted, the definitions outlined below will be applied throughout this policy.

FAMILY

The term “immediate family” in this policy shall include:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a current son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, current parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, sibling-in-law.
5. Grandparent, grandchild, and spouse’s grandparent.
6. Any person who may be residing in the employee’s household at the time of illness or death.

For definitions applicable to the FMLA, see DECA(LEGAL) and DECA(LOCAL).

FAMILY
EMERGENCY

The term “family emergency” shall be limited to natural disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

WORKDAY/DAY

A “workday/day” for purposes of accumulation, use, or recording shall mean the number of hours per day equivalent to the employee’s usual work assignment, whether full time or part time.

TIME OFF (TO)

Time off shall include the available days that employees have to use when they are not at work.

1. State days consist of five days per year with no limit on accumulation and are transferable among districts. State days may be used at the employee’s discretion following the District’s procedures.
2. State sick days consist of sick days accumulated under former Section 13.904(a) of the Education Code. State sick days may only be used for the employee’s illness or a member of the immediate family, family emergency, or death in the immediate family.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

3. Local days consist of five days per year. Local days are provided by the District and may be used for any purpose at the employee's discretion following the District's procedures.
4. Non-Duty Days (NDD) are the total number of days not included in the calculation of the required days to work during the school year.
 - a. This shall apply to central staff employees.
 - b. Days shall not be used for any leave of absence.
5. Vacation days for biweekly employees are days applied to biweekly employees working 260-plus days during the school year. Vacation days are based on years of service.

DAYS PRORATION

If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, state days and local days shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state days or local days that the employee used beyond his or her pro rata entitlement for the school year.

COMPENSATORY TIME

Compensatory time is time in lieu of overtime payment for non-exempt employees. Hours worked in excess of 40 hours per week can be converted to compensatory time at the rate of 1.5 hours per hour worked, to be taken at a later time. Excess over 80 hours will be paid to employees at the end of the school year.

Earned compensatory time shall be used before any available paid state days, District local days, or sick days. [See DEA(LOCAL)]

USE OF DAYS

Days for the current year shall be advanced to the employee for use at the beginning of the school year (September 1–August 31). The number of days shall be prorated based on the number of days worked during each school year. Should the employee use more days than earned and ceases to be an employee, the cost of unearned days shall be deducted from the employee's final paycheck. If insufficient funds exist in the last paycheck, the employee shall be required to refund the overpayment.

The District may not restrict the order or purpose for which an employee may use the following available leave days:

1. District local days.
2. State sick days, accrued prior to May 30, 1995.
3. State days.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

| | |
|--------------------------------|--|
| CUMULATIVE LEAVES OF ABSENCE | Employees who take multiple leaves of absence that exceed 60 workdays during a rolling 12-month period [see DECA(LEGAL)] shall not be guaranteed placement in their previous assignment unless their placement is protected by state and/or federal laws, including but not limited to, FMLA and/or the Uniformed Services Employment and Reemployment Rights Act (USERRA) provisions. [See DECA(LEGAL) and DECB(LEGAL)] |
| PRIORITY RETURN | Priority return shall be a status assigned to an employee who is awaiting placement after being released to return to work following a medical leave of absence/general medical (non-FMLA). |
| NEUTRAL ABSENCE CONTROL POLICY | If an employee does not return to work within 180 calendar days of being out on leave, the District shall provide the employee with written notice that the maximum allotted District leave time has been exhausted and that the employee will be terminated regardless of the reason for the absence [see DAA(LEGAL)]. The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act (ADA) [see DAA(LEGAL)], shall be considered before termination. If paid leave has been exhausted, the employee shall remain on unpaid leave during the ADA consideration period. If terminated, the employee may apply for reemployment with the District. |
| ABUSE OF LEAVE | Abuse of the leave policy, misrepresentation of the need to use leave, or falsification of a document from a health-care provider shall constitute grounds for appropriate disciplinary action, up to and including termination, in accordance with District policies. [See DFBB, DCD, and DF series] |
| REPORTING ABSENCES | <p>With the exception of an approved leave of absence, all District employees, as soon as possible and/or prior to the absence, shall notify their immediate supervisor or designee (in accordance with department/campus procedures), if it is necessary to be late for work or absent for any reason. In the event of an emergency, notification should be made at the earliest practical time, especially if a substitute is required to cover an employee's responsibilities.</p> <p>An employee absent beyond five consecutive workdays, except for vacation, shall apply for a leave of absence by contacting Benefits Outlook. Failure to apply for a leave of absence shall constitute grounds for appropriate disciplinary action up to and including termination. [See application procedure applicable for each type of leave.]</p> <p>All employees must report absences from duty in accordance with District procedures. [See DEC(REGULATION)]</p> |

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

INVESTIGATIONS

The District may provide in regulation a process by which a reasonable suspicion of medical-related and worker's compensation leaves abuse may be investigated for authenticity.

MEDICAL-RELATED
LEAVES

The following types of medical-related leaves may be requested by employees when they are absent from work in excess of five consecutive days. Approval of the leave shall not be automatic:

1. FMLA is a federally mandated regulation to cover employees with serious health conditions, birth, adoption, caring for immediate family member with serious health condition (spouse, children, parents), injury or illness of military personnel, or qualified exigency. The employee is paid while he or she has available days in his or her local days, local personal days, state days, or compensatory time. After the exhaustion of days, the leave shall be unpaid.
2. General Medical Leave is non-FMLA leave for the employee's own serious health condition. The leave is up to 180 calendar days and concurrent with FMLA. The employee is paid while he or she has available days in his or her local days, local personal days, state days, or compensatory time. After the exhaustion of days, the leave shall be unpaid.
3. Workers' Compensation Leave is leave due to work-related accidents or injuries. The leave shall be concurrent with General Medical Leave or FMLA.
4. Hardship Leave is a personal leave for circumstances out of the employee's control or serious illness of employee's family and the employee is not eligible for General Medical Leave or FMLA. The leave shall be up to 30 days. An additional extension up to 30 days may be granted by the Leaves Review/ADA Committee. The employee is paid while he or she has available days in local days, local personal days, state days, or compensatory time. After the exhaustion of days, the leave is unpaid.

An employee who does not return to work within 180 calendar days of being out on leave shall be reviewed under the Neutral Absence Control Policy.

OTHER TYPES OF
LEAVE

Other types of leave include the following:

1. Professional Leave is an unpaid leave granted only if the activity accomplishes a school-related purpose and is in the best interest of the District.
2. Bereavement Leave is a leave to cover the death of an immediate family member for up to three combined days. The

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

days shall not be deducted from the employee's time off. Additional days of absence shall result in a deduction of accumulated local or state days.

3. Emergency Leave is a leave granted to an employee for three local days for an unforeseen natural disaster or destruction of the employee's home or domicile, furniture, and fixtures by flood, fire, or storm. The days shall not be deducted from the employee's time off. Additional days of absence shall result in a deduction of accumulated local or state days.
4. Military Wartime Leave is available. The term "wartime" includes, but is not limited to, military operations, domestic emergencies, national security-related situations, or presidential authorization. [See DECB(LOCAL)]

DISTRICT-RELATED
LEAVE

Types of District-related leave include the following:

1. Assault Leave is paid leave that allows employees to recuperate from physical injuries caused by an assault during their regular duties. Assault leave shall not exceed two years from the date of the assault.
2. Court Appearance/Subpoenaed Witness Leave is a leave that allows employees to comply with a valid subpoena or jury duty. The days shall not be deducted from the employee's time off.

JOB ABANDONMENT

Employees who are absent from work for three consecutive working days without notice and who cannot be reached by the immediate supervisor may be deemed to have voluntarily resigned from the District and may be separated from the District due to job abandonment in accordance with District policy. [See DFBB, DCD, and DF series]

NO-SHOW

An employee is a no-show if he or she fails to report to work on his or her first assigned scheduled workday.

EXCESSIVE
ABSENCES / TARDIES /
DOCK DAYS

When an employee's absences become a concern or an employee establishes a pattern of absences, or exceeds the ten annual allotted (state and local) days, with the exception of approved leave, such absences may be considered excessive. If absences are deemed excessive, the employee may be subject to disciplinary action up to and including termination of employment.

Dock days are an indication that an employee has used all available days and the employee may be subject to a deduction in pay. Such absences may be subject to verification and referral for eligible leaves of absence by the District. If the absences are not approved, the employee may be subject to disciplinary action up to

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

and including termination of employment. [See DFBB, DCD, and DF series]

When an employee's absences, tardiness, and/or dock days establish a pattern of concern, the supervisor may discuss with the employee the reason for such absences, tardies, and/or dock days. [See DEC(REGULATION)]

EXHAUSTION OF
AVAILABLE DAYS

For any employee who has exhausted paid and unpaid days the District may provide in regulation a process by which an employee may be granted approval for additional paid days, not to include medical-related leaves of absence reviewed under the Neutral Absence Control Policy. [See DEC(REGULATION), Attendance Review Committee]

ATTENDANCE
INCENTIVE
PROGRAMS

The District may provide attendance incentives as appropriate and as funding will allow. [See DEC(REGULATION)]

RETURN TO WORK
AUTHORIZATION
FOLLOWING AN
APPROVED LEAVE OF
ABSENCE

As a condition for an employee to return to work following an approved leave of absence due to the employee's own serious health condition, the District shall require the employee to obtain and present certification from the employee's health-care provider. Such certification shall state that the employee is able to return to work and can perform the essential functions of the job. [See DECA(LEGAL)]

MAINTENANCE OF
BENEFITS

Continuation of benefits while on a leave of absence shall be subject to the terms outlined in the DECA series, DEC(LEGAL), and CRD(LOCAL).

Non-payment of employee contributions for benefits shall result in loss of coverage and COBRA eligibility, as applicable.

SICK LEAVE BANK

Sick leave banks (SLB) established to benefit employees who have a qualifying illness or injury are outlined in the SLB handbook.

If an employee enrolled in the SLB has exhausted his or her state or sick days and District local days, additional days subject to availability may be requested pursuant to the District's SLB. Days granted from the SLB shall be in accordance with adopted rules and procedures for the SLB. [See DEC(REGULATION)]

EMERGENCY
DISTRICT CLOSURES

Absences during emergency District closures such as inclement weather [see CKC(LOCAL)] shall be governed by the following provisions:

1. An employee (exempt or non-exempt) whose job is essential to maintaining emergency operations and who is required to work while the District is closed as determined by the Superintendent of Schools or designee shall be paid overtime or re-

ceive compensatory time based on his or her employment status. At such time as the Superintendent of Schools or designee declares the District re-opened, employee compensation reverts to the standard practice in accordance with the Dallas ISD Compensation Manual.

2. When the District facilities are declared closed, the following shall apply:
 - a. Campus-based employees: Campus-based teachers as defined by the Texas Education Code, Chapter 21 and all other campus-based employees shall follow the inclement weather make-up days as outlined by the applicable school year calendar.
 - b. Police and security employees: Sworn peace officers and police dispatch personnel shall report to work. If the employee fails to report, the employee's TO shall be charged and or salary adjusted accordingly.
 - c. Central operations: Essential personnel shall report to work. If the employee fails to report, the employee's TO shall be charged and or salary adjusted accordingly. Essential personnel is defined as District employees called to duty to perform essential tasks when the District is closed. The Superintendent or chief of the respective department shall determine who shall report to work when the District is closed.
 - d. Central business services: All other central-based employees shall be excused for each day the District is declared closed. TO shall not be taken from employees when the District is declared closed. Employees shall not be required to make up the days the District is closed.

Continuing to pay employees during emergency District closers increases employee morale and reduces employee turnover.

[See DEC(REGULATION) for more details.]

ADOPTION OR LAST
AMENDED DATE

This policy was last adopted or amended on October 27, 2016.